

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

ELBERT SAMMONS,)	
)	
Plaintiff,)	
)	
v.)	Case No.: 3:19-cv-769-WC
)	
ANDREW SAUL,)	
Commissioner, Social Security)	
Administration)	
)	
Defendant.)	

MEMORANDUM OPINION AND ORDER

On March 3, 2020, the Commissioner filed an *Unopposed Motion for Entry of Judgment Under Sentence Four of 42 U.S.C. § 405(g) with Reversal and Remand of the Cause to Defendant* (Doc. 14) for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). The Commissioner also filed a memorandum in support of the motion, in which the Commissioner states remand is necessary so that the Agency may consider “the medical opinion evidence under the new medical regulations.” Doc. 15 at 1. In addition, the parties have consented to entry of final judgment by the United States Magistrate Judge pursuant to 28 U.S.C. 636 (c). *See* Docs. 10–11.

Sentence four of 42 U.S.C. § 405(g) authorizes the district court to “enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” 42 U.S.C. § 405(g). The district court may remand a case to the Commissioner for a rehearing if the court finds “either . . . the decision is not supported by

substantial evidence, or . . . the Commissioner or the ALJ incorrectly applied the law relevant to the disability claim.” *Jackson v. Chater*, 99 F.3d 1086, 1092 (11th Cir. 1996).

In this case, the court finds reversal and remand necessary as Defendant concedes reconsideration and further development of the record is in order. Furthermore, Plaintiff does not oppose the motion. *See* Doc. 14 at 1.

Accordingly, it is

ORDERED that the Government’s *Unopposed Motion for Entry of Judgment Under Sentence Four of 42 U.S.C. § 405(g) with Reversal and Remand of the Cause to Defendant* (Doc. 14) be and hereby is GRANTED. It is further

ORDERED AND ADJUDGED that the decision of the Commissioner be and is hereby REVERSED and this case be and is hereby REMANDED to the Commissioner for further proceedings. Finally, it is

ORDERED that, in accordance with *Bergen v. Comm’r of Soc. Sec.*, 454 F3d 1273, 1278 n.2 (11th Cir. 2006), the plaintiff shall have **ninety (90)** days after she receives notice of any amount of past due benefits awarded to seek attorney’s fees under 42 U.S.C. § 406(b). *See also Blich v. Astrue*, 261 Fed. App’x 241, 241 n.1 (11th Cir. 2008).

DONE this 4th day of March, 2020.

/s/ Wallace Capel, Jr.
WALLACE CAPEL, JR.
CHIEF UNITED STATES MAGISTRATE JUDGE